

EXHIBIT 12

From: Song, Brian W.
To: ["O'Connell, Sarah"](#); [Hoang, Lan](#); [Krishna, Ganesh](#)
Cc: [Steiner, Neil](#); [Ha, Daphne](#); [Bronen, Mariel](#); [Archer, Judith A.](#); [Schwartz, David B.](#)
Subject: RE: Picard v. Merkin, et al.; Adv. Pro. No. 09-01182
Date: Thursday, April 06, 2017 7:06:36 PM

Sarah: I am writing to confirm our agreement that the parties stipulate to re-opening discovery to take the depositions of Ms. Meaghan Schmidt, Ms. Lauri Martin, Mr. Leon Meyers, and Mr. Gedale Horowitz with the understanding that the Trustee will not seek to depose Mr. Meyers and/or Mr. Horowitz if the Defendants withdraw them from their trial witness list within the next two weeks.

Brian

From: O'Connell, Sarah [mailto:sarah.oconnell@nortonrosefulbright.com]
Sent: Thursday, April 06, 2017 4:26 PM
To: Song, Brian W.; Hoang, Lan; Krishna, Ganesh
Cc: Steiner, Neil; Ha, Daphne; Bronen, Mariel; Archer, Judith A.; Schwartz, David B.
Subject: RE: Picard v. Merkin, et al.; Adv. Pro. No. 09-01182

Counsel,

Please see the attached correspondence.

Regards,
Sarah

Sarah O'Connell | Sr. Counsel
Norton Rose Fulbright US LLP
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Tel +1 212 318 3093 | Fax +1 212 318 3400
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From: Song, Brian W. [mailto:bsong@bakerlaw.com]
Sent: Wednesday, April 05, 2017 4:00 PM
To: Ha, Daphne; Krishna, Ganesh; Steiner, Neil; Bronen, Mariel; Archer, Judith A.; O'Connell, Sarah; Schwartz, David B.
Cc: Hoang, Lan
Subject: RE: Picard v. Merkin, et al.; Adv. Pro. No. 09-01182

Counsel:

I am following up on the proposal in my letter dated March 30, 2017 that the parties stipulate to re-opening discovery for the limited purpose of deposing Ms. Schmidt, Ms. Martin, Ms. Gershengoren, Mr. Horowitz, Mr. Igolnikov, and Mr. Meyers. Please advise if you are in agreement with this proposal.

In response to Judi's email this morning, we will agree to extend the deadline to Wednesday, April 12th, for you to file a motion in limine related to Ms. Collura's testimony. In the event that the parties do not agree to bifurcate the subsequent transfer issue, the Trustee reserves the right to file a motion in limine related to Mr. Paul Meyer should you add him to your trial witness list.

Brian

From: Song, Brian W.
Sent: Thursday, March 30, 2017 10:40 PM
To: 'Ha, Daphne'; Krishna, Ganesh; Steiner, Neil; Bronen, Mariel; judith.archer@nortonrosefulbright.com; sarah.oconnell@nortonrosefulbright.com; david.schwartz@nortonrosefulbright.com
Cc: Hoang, Lan
Subject: RE: Picard v. Merkin, et al.; Adv. Pro. No. 09-01182

Counsel: Please see the attached correspondence.

Regards,
Brian

From: Ha, Daphne [<mailto:Daphne.Ha@dechert.com>]
Sent: Friday, March 24, 2017 9:15 PM
To: Krishna, Ganesh; Steiner, Neil; Bronen, Mariel; judith.archer@nortonrosefulbright.com; sarah.oconnell@nortonrosefulbright.com; david.schwartz@nortonrosefulbright.com
Cc: Hoang, Lan; Song, Brian W.
Subject: RE: Picard v. Merkin, et al.; Adv. Pro. No. 09-01182

Counsel,
Please see attached. Have a nice weekend.

Daphne Ha

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From: Krishna, Ganesh [<mailto:gkrishna@bakerlaw.com>]
Sent: Friday, March 24, 2017 5:10 PM

To: Steiner, Neil <neil.steiner@dechert.com>; Bronen, Mariel <Mariel.Bronen@dechert.com>;
judith.archer@nortonrosefulbright.com; sarah.oconnell@nortonrosefulbright.com;
david.schwartz@nortonrosefulbright.com; Ha, Daphne <Daphne.Ha@dechert.com>
Cc: Hoang, Lan <lhoang@bakerlaw.com>; Song, Brian W. <bsong@bakerlaw.com>
Subject: Picard v. Merkin, et al.; Adv. Pro. No. 09-01182

Counsel:

Please see the attached correspondence and attachments.

Thank you,

Ganesh

Ganesh Krishna
Associate

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